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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,590	09/15/2003	Shunsuke Nagatani	117146	8069
25944 7590 06/28/2007 OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER SMITH, JEFFREY S	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 06/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/661,590	NAGATANI ET AL.	
	Examiner	Art Unit	
	Jeffrey S. Smith	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4 and 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Number 10/362,097 filed August 24, 2001 by Stern et al. ("Stern").

For claim 1, the preamble is not given patentable weight because it does not breath life and meaning into the body of the claim. Although the preamble mentions video data, the body of the claim contains only static image data. Therefore the preamble phrase video data is unrelated to the body of the claim, and has no weight.

Stern discloses an input unit that accepts an input keyword (see the abstract and figures 3A and 3B).

Stern discloses an extraction unit that extracts a character string contained in static image data by at least one of (1) extracting text data from the static image data which has the text data, and (2) performing character recognition processing on the static image data and extracting text data which is a result of the processing (see the

abstract, an image is created preferably in the tagged image file format TIFF and words of the image are recognized through a process of OCR optical character recognition).

Stern discloses a retrieval unit that matches the extracted character string with the input keyword to retrieve relevant static image data (see the abstract).

For claims 4 and 6, which contain similar elements as claim 1, these claims are rejected for the reasons given in claim 1.

For claim 2, Stern discloses a display unit that displays the retrieved static image data as a list of images (see figures 3A and 3B).

Stern discloses a size changing unit that changes an image size of the static image data to be displayed on the display unit, the image size being changed according to a predetermined criterion (see the different sizes of the static image in figures 3A and 3B, see also the director module in figure 1 as discussed in paragraphs 33 and 34).

Claim 7, which contains similar elements to claim 2, is rejected for the reasons given in claim 2.

Claims 1, 3, 4-6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 7,167,191 issued to Hull et al. ("Hull").

For claim 1, Hull discloses an input unit that accepts an input keyword (User interface 900 may also include a text search window 910 which allows the user to search the presentation information. col. 17 lines 3-13).

Hull discloses an extraction unit that extracts a character string contained in static image data by at least one of (1) extracting text data from the static image data

Art Unit: 2624

which has the text data, and (2) performing character recognition processing on the static image data and extracting text data which is a result of the processing (The results obtained from applying OCR techniques to the video keyframes (which are still images) and applying speech recognition techniques to the audio information may be indexed for full text retrieval. col. 13 lines 46-53).

Hull discloses a retrieval unit that matches the extracted character string with the input keyword to retrieve relevant static image data (see figure 9B).

Claims 4 and 6 contain elements that are similar to the elements of claim 1 and are therefore rejected for the same reasons as claim 1.

For claim 3, Hull discloses a display unit that displays the retrieved static image data as a static image data (see figure 9B. see also col. 17 lines 16-20. see also col. 9 lines 22-53).

Hull discloses a video display unit that, according to user's operation for selecting the displayed static image, reproduces and displays video data as an image from a reproduction time position with which the static image data is associated (see figure 9B. see also col. 17 lines 16-20. see also col. 9 lines 22-53. The keyframe is a still image that is displayed and indicates a point in the video sequence where replay can begin).

Claims 5, 8 and 3 contain similar elements, therefore claims 5 and 8 are also rejected for these reasons.

Response to Arguments

Applicant argues that the objection to the drawings has been satisfied. The addition of figures 13 and 14 satisfies the requirement of 37 C.F.R. 1.83(a), and the objection to the drawings is withdrawn.

The objection to the title is overcome by applicant's amendment.

The objections to the specification are overcome by applicant's amendment.

Applicant's arguments filed May 21, 2007 have been fully considered but they are not persuasive.

With respect to the rejection based on Honda, applicant argues that the keyword retrieval is only relevant to a moving picture file rather than a static image file. The interchangeable nature of retrieving a static image and a video image is well known to people of ordinary skill in the art. For example, U.S. Patent Number 7,068,309 issued to Toyama et al. discloses that "Digital Photo and Video technology promises to enhance our use of photographs and video by making them easy to store, access, and share. (Henceforth, all further references to "photos" or "photographs" should be considered shorthand for "photos and videos.") ... They search the images (photos and videos) based on keywords entered by the user...." Thus, the interchangeable nature of image retrieval of still images using a keyword and image retrieval of video images using a keyword is obvious. Nevertheless, the rejections of the claims are based on image retrieval of still images using keywords.

Applicant argues that the prior art discloses composite pictures, not individual frames of the video file. The element of individual frames of a video file is not found in any pending claim. The basis for this argument is unclear.

Applicant argues that the prior art does not extract a character string contained in the static image data. Hull among others discloses this feature as identified in the rejection of the current Office action.

Applicant argues that the prior art does not disclose a size changing unit. The size changing unit is shown by Stern as discussed in the rejection above and is further shown by Arman and Hori as mentioned in the previous Office action.

With respect to the rejection based on Chen, applicant argues that the prior art does not extract text data from static image data and match the extracted text to a static image. Hull among others discloses this feature as identified in the rejection of the current Office action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number 7,209,942 issued to Hori et al. discloses a device that extracts character text data from images and retrieves a still image using the extracted character text data (see the abstract and col. 6 for example).

U.S. Patent Number 6,804,684 extracts text data from a still image and applies the extracted text data to other still images, which are then retrieved using the text data as a keyword.

U.S. Patent Number 7,068,309 issued to Toyama et al. discloses a keyword retrieval method that is used to retrieve both still images and video images.

Japanese Patent Publication 11-184867 extracts text from images, matches the extracted text with images, displays the images with the extracted text (figure 3) and reproduces video when a static image with the extract text is selected (figure 5).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

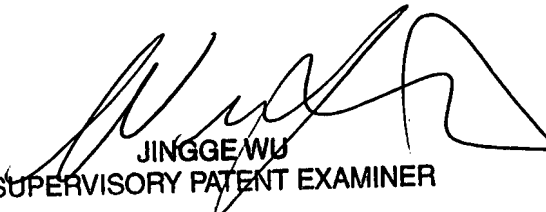
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey S. Smith whose telephone number is 571 270-1235. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSS
June 13, 2007


JINGGE WU
SUPERVISORY PATENT EXAMINER